



Committee on Standards and Privileges

Minutes of Proceedings

28 September 2021

Meeting Location: Room 30

Present by Video or Teleconference:

Ms Linda Dillon (Chairperson)
Mr Christopher Stalford (Deputy Chairperson)
Dr Steve Aiken OBE MLA
Ms Sinéad Bradley MLA
Ms Pam Cameron MLA
Mr Stewart Dickson MLA
Mr Declan McAleer MLA
Mr Patsy McGlone MLA
Ms Áine Murphy MLA

Apologies: None

In Attendance by Video or Teleconference:

Mr Shane McAteer (Assembly Clerk)
Ms Marie Austin (Senior Assistant Clerk)
Ms Sohui Yim (Assistant Clerk)
Mr Jim Nulty (Clerical Supervisor)



Ms Alison Ferguson (Clerical Officer)

The meeting commenced at 2.17pm in closed session.

1. Apologies

As noted above.

2. Declaration of Interests

Members were advised of the ongoing requirement to declare relevant financial or other interests as and when they arise on the Committee.

Members noted that Steve Aiken had recused himself from agenda items 5, 6 and 7 and would join the meeting at agenda item 8.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 30 June 2021.

4. Matters Arising

There were no matters arising.



5. Complaint against a Member – Legal advice

Members received legal advice from Assembly Legal Services regarding a complaint against a Member.

Stewart Dickson joined the meeting at 2.39pm.

Declan McAleer joined the meeting at 2.41pm.

Pam Cameron joined the meeting at 3.14pm

Agreed: The Committee agreed to seek clarification from the Commissioner for Standards on whether she sought independent legal advice in relation to the complaint case.

Agreed: The Committee agreed to commission Assembly Legal Services to provide legal advice in relation to a related complaint case involving another Member.

6. Complaint against a Member – Oral hearing from the Member

Agreed: The Committee agreed that the hearing from the Member who is the subject of the complaint would be recorded by Hansard.

An oral hearing was held with the Member who is the subject of the complaint, the purpose of which was to give the Member in question the opportunity to provide the Committee with their comments in respect of any matter raised within the Commissioner's investigation report and to answer any questions from Committee members.

Following the hearing and questions from Committee members, the Member who is the subject of the complaint left the meeting at 4.20pm. The Committee then deliberated on the Commissioner's investigation report on the complaint against the Member in question.

Agreed: The Committee agreed to write to the Head of the Civil Service to seek clarification on whether civil servants, when making complaints against MLAs of



alleged breaches of the Assembly Code of Conduct, are required to seek the approval of or to notify the Permanent Secretary in their Department.

7. Complaint against a Member – Draft Committee report

Members received a briefing from the Committee Secretariat on this agenda item and were reminded that the draft report was developed in line with the Committee's decisions on the complaint case, which were taken at the meeting on 30 June 2021.

Members undertook formal consideration of the draft report as follows:

Agreed: The Committee agreed to redact certain information in the Commissioner's investigation report, in accordance with Assembly legal advice and to ensure that the Committee meets its legal obligations.

Agreed: The Committee agreed that the Title Page, Committee Powers and Membership page and Table of Contents page, as drafted, stand part of the report.

Agreed: The Committee agreed that the 'Introduction' section at paragraphs 1 and 2 of the report, stand part of the report.

Agreed: The Committee agreed that the 'Background' section at paragraphs 3 to 6 of the report, stand part of the report.

Agreed: The Committee agreed that the 'Relevant rules in the Members' Code of Conduct' section at paragraph 7 of the report, stands part of the report.

Agreed: The Committee agreed that the 'The Complaints' section at paragraphs 8 to 10 of the report, stand part of the report.

Agreed: The Committee agreed that the 'Commissioner's investigation and findings of fact' section at paragraphs 11 to 13 of the report, stand part of the report.

Agreed: The Committee agreed that the 'Committee's considerations and conclusion' section at paragraphs 14 to 19 of the report, stand part of the report.

Agreed: The Committee agreed that the 'Links to appendices' at page 17 of the report, stands part of the report.

Agreed: The Committee agreed that this report be the Second Report of the Committee on Standards and Privileges in the 2017-22 Mandate.



Agreed: The Committee agreed that the Chairperson will agree an extract of today's minutes regarding the agreement of this report so it may be included in the Minutes of Proceedings section of the report.

Agreed: The Committee agreed that the report be published on-line on the Assembly's webpages.

Agreed: The Committee agreed that the report be embargoed until noon on Thursday, 30 September 2021 to allow time for the report to be uploaded to the Assembly webpages.

Agreed: The Committee agreed to provide the complainants and the respondent with an embargoed copy of the report in advance of publication.

Agreed: The Committee agreed that, if there are any media queries, the Committee will respond to say that it will not be making any further comment.

Agreed: The Committee agreed that, in line with agreed protocols, a copy of the report will be laid in the Business Office within 24 hours (the Committee noted that it will be made available for viewing by Members once the embargo has expired and a link to the Report will also be emailed to all MLAs following publication).

8. Complaint against a Member – Appointment of Acting Commissioner

The Committee received a briefing from the Committee Secretariat on this agenda item, which involved a complaint case in which the Commissioner for Standards required to recuse herself. Members considered: a possible candidate to fulfil the role of Acting Commissioner for Standards; the terms of appointment for an Acting Commissioner; Directions to an Acting Commissioner; and a draft motion to the Assembly to appoint an Acting Commissioner.

Steve Aiken joined the meeting at 4.42pm.

Agreed: The Committee agreed:

- To propose (subject to his availability) to the Assembly that Mr Douglas Bain be appointed as Acting Commissioner for Standards for this



complaint and for any other complaints relating to the on-going inquiry into a former consultant in the Belfast Health & Social Care Trust;

- That the terms of appointment for the Acting Commissioner be the same as those of the Commissioner; and
- That the draft motion to appoint Mr Bain an Acting Commissioner (subject to his availability) is tabled for consideration by the Assembly in plenary session.

9. Admissible complaints

Members received a briefing from the Committee Secretariat on this agenda item and considered summary information in relation to admissible complaints which are being, or have been, considered by the Commissioner.

Agreed: The Committee agreed to note the information.

10. Complaint against a Member – Discontinuation of case

Members received a briefing from the Commissioner for Standards, Dr Melissa McCullough, on her correspondence dated 21 July 2021 in relation to this agenda item.

Agreed: The Committee agreed that, in accordance with sub-paragraphs 4.2 and 4.3 of the General Procedures Direction, it was content that the Commissioner for Standards discontinues consideration of the complaint case discussed.



11. Complaint against a Member – Commissioner’s investigation report

Agreed: The Committee agreed that, in line with recent practice, the briefing from the Commissioner is recorded by Hansard, as this will form part of the evidence base for the Committee’s report.

Pam Cameron declared an interest in this agenda item, in that the complainant is a constituent who had contacted her constituency office, though she had not spoken with the complainant in person in that regard.

Members received a briefing from the Commissioner for Standards, Dr Melissa McCullough, on this agenda item. Following, the briefing and a question and answer session with members, the Commissioner left the meeting at 5.14pm. The Committee then deliberated on the complaint case.

Patsy McGlone left the meeting at 5.11pm.

Christopher Stalford left the meeting at 5.15pm.

The Committee considered each of the allegations which had been made against the Member, together with the evidence, findings of fact and reasoned decisions of the Commissioner as set out in her investigation report.

Agreed: In relation to Allegation 1, which pertained to Rule 1 of the Assembly Code of Conduct, the Committee agreed with the Commissioner’s reasoned decision that there was no breach of Rule 1.

Agreed: In relation to Allegation 2, which pertained to Rule 5 of the Assembly Code of Conduct, the Committee agreed with the Commissioner’s reasoned decision that there was no breach of Rule 5.

Agreed: In relation to Allegation 3, which pertained to Rule 7 of the Assembly Code of Conduct, the Committee agreed with the Commissioner’s reasoned decision that there was no breach of Rule 7.

Agreed: In relation to Allegation 4, which pertained to Rule 8 of the Assembly Code of Conduct, the Committee agreed with the Commissioner’s reasoned decision that there was no breach of Rule 8.

Agreed: In relation to Allegation 5, which pertained to Rule 13 of the Assembly Code of Conduct, the Committee agreed with the Commissioner’s reasoned decision that there was no breach of Rule 13.



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Agreed: In relation to Allegation 6, which pertained to Rule 14 of the Assembly Code of Conduct, the Committee agreed with the Commissioner's reasoned decision that there was no breach of Rule 14.

The complaints were therefore not upheld and the Committee concluded that the Member in question had not breached the Assembly Code of Conduct.

Noted: The Committee noted that the Clerk will prepare a draft report for consideration at a future meeting.

Agreed: The Committee agreed that the Hansard of the briefing from the Commissioner is forwarded to the Member who is the subject of the complaint for information and comment as applicable.

Agreed: The Committee agreed to seek legal advice on necessary redactions to the Commissioner's report.

12. Correspondence

There were no items of correspondence.

13. Chairpersons Business

Members were advised that, over the summer recess, a Freedom of Information request was received requesting documents or reports presented by the Commissioner for Standards to the Committee in relation to a recent investigation of a complaint against a Member which was resolved via the rectification procedure. Members noted that the (now) former Chairperson did not have any views on the matter and the Deputy Chairperson was content for the issue to be dealt with in accordance with the law.

Steve Aiken declared an interest as having received constituency correspondence and contact from the media regarding this case, to which he had not responded.

Agreed: The Committee agreed to note the information.



Members noted that the Commissioner for Standards had written to the Committee Clerk to offer the recently appointed Committee members informal briefings on the role of the Commissioner's Office.

Agreed: The Committee agreed that the recently appointed Committee members would contact the Committee Secretariat separately to make the necessary arrangements if they wished to take up this opportunity.

14. Any other business

Members discussed the issue of wi-fi signal within Parliament Buildings and connectivity to the Assembly's videoconferencing facility, Starleaf, and noted that this was also discussed at a recent Chairpersons' Liaison Group (CLG) meeting. Members highlighted the importance of uninterrupted connectivity for conducting committee business.

Agreed: The Committee agreed to write to CLG to highlight the importance of uninterrupted connectivity during remote/hybrid committee meetings.

The Chairperson reminded members of the Committee's substantive forward work programme in the coming months and emphasised the importance of giving advance notice to the Committee Secretariat if attendance at scheduled meetings is not possible.

There was no other business.

15. Date, Time and Place of the next meeting

The Committee noted that the next meeting will be on Wednesday, 13 October 2021.



The meeting was adjourned at 5.28pm.

**Linda Dillon MLA,
Chairperson, Standards and Privileges Committee**

October 2021